

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 98-2939

United States of America,

Appellee,

v.

Rickey Layne Keeth,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: December 14, 1998

Filed: December 18, 1998

Before FAGG, BEAM, and LOKEN, Circuit Judges.

PER CURIAM.

After Rickey Layne Keeth pleaded guilty to making a false statement in the acquisition of a firearm, in violation of 18 U.S.C. § 922(a)(6), and to possessing firearms while subject to a domestic violence protection order, in violation of 18 U.S.C. § 922(g)(8), the district court¹ sentenced him to 30 months imprisonment and three years supervised release. Keeth's period of supervised release commenced in January 1998. As a condition of his supervised release, Keeth was not to attempt to contact his

¹The Honorable Ortrie D. Smith, United States District Judge for the Western District of Missouri.

ex-wife in any manner. At a revocation hearing in June 1998, the district court found Keeth had violated this condition, revoked Keeth's supervised release, and sentenced him to 12 months imprisonment and 24 months supervised release. Keeth now challenges his prison term, and we affirm.

After a thorough review of the record, we reject Keeth's argument that the district court failed to consider the applicable policy statements in Chapter 7 of the U.S. Sentencing Guidelines Manual and the sentencing factors set forth in 18 U.S.C. § 3553(a). We also conclude that the district court did not abuse its discretion in sentencing him to 12 months imprisonment. See 18 U.S.C. § 3583(e)(3); United States v. Grimes, 54 F.3d 489, 492 (8th Cir. 1995) (standard of review); United States v. Carr, 66 F.3d 981, 983 (8th Cir. 1995) (per curiam) (Chapter 7 Guidelines are advisory and nonbinding; district court may depart from revocation imprisonment range when, in its considered discretion, such departure is warranted). We deny Keeth's motion for a stay pending appeal and temporary injunction, as well as his motion for appointment of counsel. Keeth's counsel's motion to withdraw is granted.

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.